

SENATE BILL NO. 364

INTRODUCED BY J. BRUEGGEMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A MISDEMEANOR PENALTY FOR A VIOLATION OF ANY RURAL FIRE PROTECTION LAW; PROVIDING FOR CONTROL OF INGRESS INTO AND EGRESS FROM A HIGH FIRE HAZARD AREA IF THE COUNTY HAS ESTABLISHED A FIRE SEASON OR IF AN AREA IS CLOSED BECAUSE OF FIRE DANGER PURSUANT TO A REQUEST BY THE BOARD OF COUNTY COMMISSIONERS TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AND AMENDING SECTIONS 7-33-2206 AND 7-33-2212, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-33-2206, MCA, is amended to read:

"7-33-2206. Violations. A person who violates any provision of this part or any rule adopted pursuant to this part or who ignites or sets a fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or open fire on any residential or commercial property, forest, range, or cropland subject to the provisions of this part without first having obtained a written permit or permission from the recognized protection agency for that protection area to ignite or set the fire is guilty of a misdemeanor. Absolute liability as provided for in 45-2-104 is imposed for a violation of this part."

Section 2. Section 7-33-2212, MCA, is amended to read:

"7-33-2212. Activity restrictions in high fire hazard areas. (1) A board of county commissioners may designate areas on private land or on land that is not under the jurisdiction of a municipality or a state or federal agency as high fire hazard areas.

(2) Except as provided in 87-3-106(2), in designated high fire hazard areas, the board may require all persons, firms, or corporations present or engaged in any activity in those areas to cease operations or activities or to adjust working hours to less critical periods of the day.

(3) The presiding officer of the board may control ingress into and egress ~~into~~ from a high fire hazard area if an emergency or disaster is declared under the provisions of Title 10, chapter 3, part 4, if the county has established a fire season pursuant to 7-33-2205, or if an area is closed because of fire danger pursuant to a

1 request by the board of county commissioners to the department of natural resources and conservation following
2 the implementation of minimum fire prevention and suppression measures required by department rule.

3 (4) (a) An entity that is conducting official business, an entity having actual residence as a permanent
4 or principal place of abode in the designated area, or an entity engaged in employment that does not present a
5 fire hazard must be allowed ingress and egress unless there is a significant risk to human health or safety.

6 (b) For the purposes of this section, "official business" includes but is not limited to the functions of
7 governmental agencies and the activities of utilities, cooperatives, and telecommunications providers to operate,
8 construct, repair, and maintain utility facilities that are essential to the public."

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